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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/873,061
Filing Date: May 31, 2001
Appellant(s): TAN ET AL.

Christian A Nicholes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/15/2008 appealing from the Office action mailed 5/16/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language. "

Claims 54-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood et al (US Patent no. 7,152,207).

Regarding claim 54, Underwood discloses in figures 1 and 2 a method for building a customized web site (fig. 11), wherein the method comprises performing a machine-executed operation involving instructions, wherein the machine-executed operation is at least one of: A) sending said instructions over transmission media; B) receiving said instructions over transmission media (105-130); C) storing said instructions onto a machine-readable storage medium (figure 2, Definier software; col. 9, last paragraph); and D) executing the instructions; wherein the instructions are instructions which, when executed by one or more processors, cause storing a web site

XML file (col. 46, lines 14-43: DXC, external web server hosted applications that generate custom content for inclusion within a page of a Definer web site; fig. 70; col. 49, lines 34-65:...a property page may be provided to allow the user to modify the individual elements of the XML structure...When the property page form is submitted, Definer forwards all of the form data to Edit Event Interface which constructs the XML document from the form data and returns it as a property update in the header of its response...a pre-existing web page, with no configurable properties and no dynamic run-time behavior may be registered as a DXC via a Definer Registration web site...The pre-existing web page may be made available for insertion into Definer web pages...)

However, it is well known in the technological art that web content section(s)/ page(s) or site(s) can be stored/expressed in HTML, XML and/or any suitable language which allows for website construction and connectivity. Also shown in paragraphs above, web content page(s) can be formed and edited in XML structure. It simply shows web contents can be structured/expressed in XML.)

relationships between web pages of the multi-page web site, and (b) the structure and content of the pages of the multi-page web site (col. 5, lines 15-36; col. 14, last paragraph: fig. 12 depicts site template creation screen for creating and editing a new site template. On the left is a site map that lists the pages included in the site; the right site includes a site display area. A blank home page is initially generated and displayed in site map. The contents of the blank home page are displayed in display area).

storing XML definitions for a plurality of components that are available for use by the customized web site - (col. 46, lines 14-43: DXC, external web server hosted applications that generate custom content for inclusion within a page of a Definer web site; fig. 70; col. 49, lines 34-65:...a property page may be provided to allow the user to modify the individual elements of the XML structure...When the property page form is submitted, Definer forwards all of the form data to Edit Event Interface which constructs the XML document from the form data and returns it as a property update in the header of its response...a pre-existing web page, with no configurable properties and no dynamic run-time behavior may be registered as a DXC via a Definer Registration web site...The pre-existing web page may be made available for insertion into Definer web pages...)

presenting a user with a series of one or more user interfaces for modifying the multi-page web site to create the customized web site (figures 6-45, interfaces for editing/adding content pages; col. 14, lines 1-67; col. 15, line 20 to col. 16, line 67).

wherein the one or more user interfaces include controls for adding one or more components of said plurality of components to the multi-page web site (col. 5, lines 48-58; col. 15, last paragraph).

receiving through the controls user input that adds a particular component of said plurality of components to said multi-page web site (abstract and col. 6, lines 12-26; col. 16, lines 35-59).

adding the XML definition associated with the particular component to the web site XML file to produce a modified web site XML file that defines a multiple-page web site that includes said particular component (col. 6, line 7-27; col. 47, lines 44-67; col. 49, lines 34-65).

and causing a web site building component to automatically build the customized web site based on the modified web site XML file (col. 6, lines 18-41; col. 9, lines 36-56; col. 49, lines 34-65).

Regarding claim 55, Underwood discloses in figures 1 and 2 the method of claim 54, wherein causing the web site building component to automatically build the customized web site includes: causing the web site building component to create a database for storing the customized web site (col. 6, lines 27-40; fig. 66).

Regarding claim 56, Underwood discloses in figures 1 and 2 the method of claim 54, wherein execution of the instructions further cause creating an extensible style sheet language transformation (XSLT) document for forming a web page (col. 32, lines 14-39; col. 49, lines 34- 50); and presenting the user with a series of one or more web pages based on the web site XML file and the XSLT document (col. 47, lines 25-52; col. 48, lines 42-67; figs. 21, 32: layouts).

Regarding claim 57, Underwood discloses in figures 1 and 2 (also refer to col. 12, line 63 to col. 13, line 6 and col. 11, lines 11-43) the method of claim 54, wherein a

particular component, of the plurality of components, is dynamically generated at a different computer (125) with edit store/local store 6615, data store 6620 in fig. 66 than a computer storing the web site XML file (105) or web server 6630.

Regarding claim 58, Underwood discloses in figures 1 and 2 the method of claim 54, wherein a particular user interface, of the one or more user interfaces, includes a link to another web site for generating the particular component (col. 15, line 22 to col. 16, line 42).

(10) Response to Argument

Argument A:

Appellant argues on pages 4-10 that

“Underwood does NOT disclose any XML document that specifies relationships between web pages of a multi-page web site...it does not mean that the structure of the web site is specified in an XML file...”

Underwood is not referring to links between the pages but instead to similarities in the structures of those pages...

In claim 55, Underwood does not state any particular way involves the XML document...Examiner asserts that Underwood discloses that fields from a "Property Page" form...It is not clear exactly what the Examiner is trying to prove here. Perhaps the Examiner is trying to allege that the "Property Page" is an XML document...There does not even appear to be any indication in Underwood that the "Property Page" is even an XML document...Underwood does not disclose that these fields are saved in an XML document.

On page 7, Appellant also argues "A DXC is not a document that defines the structure of a multi-page website or indicates relationships between the pages of such a web-site"

On page 8, "Underwood recognizes that a DXC's serialized state can be stored in an XML document but nothing more. Regardless, the Applicants are not disputing whether or not an individual web page can be stored as an XML document. Rather, the Applicants contend that Underwood does not disclose an XML document that specifies the structure of a multi-page web site, including the relationship between the pages... Applicants admit that Underwood does indeed show such a site map and that site maps that illustrate the pages that are present in a website were well known...Underwood contains no teaching that the site map's contents should be stored within an XML document specifically."

In response to the Appellant's argument A, Examiner disagrees.

In the specification, page 8, last paragraph, Appellant discloses "the computer readable medium carries a web site wizard including a template and instructions. The template holds data indicating a first arrangement of components associated with a first type of web site".

Underwood discloses generating of a web site with pages – figs. 6-19: site definer, industry type menu for selecting a web site template in fig. 9, site map of a web site shows relationships between pages shown on the left side column – figs. 18-19. More information regarding columns and lines that show these features are cited above.

Col. 46, lines 14-43 discloses DXC, external web server hosted applications that generate custom content for inclusion within a page of a Definer web site; fig. 70 shows a connection of a web site definer with a DXC edit engine in creating at least a web site; col. 49, lines 34-65 discloses: the entire state of the DXC may be serialized as XML and stored in a single property...a property page may be provided to allow the user to modify the individual elements of the XML structure...When the property page form is submitted, Definer forwards all of the form data to Edit Event Interface which constructs the XML document from the form data and returns it as a property update in the header of its response...a pre-existing web page, with no configurable properties and no dynamic run-time behavior may be registered as a DXC via a Definer Registration web site...The pre-existing web page may be made available for insertion into Definer web pages...)

However, it is well known in the technological art that web content section(s)/ page(s) or site(s) can be stored/expressed in HTML, XML and/or any suitable language

which allows for website construction and connectivity. Also shown in paragraphs above, web page(s) can be formed and stored in XML structure. It simply shows web contents can be structured/expressed in XML. Therefore, storing a web site including a site map in XML does not seem to be novel in the technological art. Examiner has not tried to prove the property page is an XML document. The Property Page on col. 49, lines 34-49 allows users to modify the individual elements of the XML structure of web site components/pages, the DXCs.

Examiner agrees with the Appellant in that "A DXC is not a document that defines the structure of a multi-page website or indicates relationships between the pages of such a web-site". The site map shows relationships between pages shown on the left side column – figs. 18-19.

Argument B:

Appellant argues on pages 10-11 that features of claims 57 are not disclosed by Underwood in that "Although Underwood discloses a server 105 that is separate from a client terminal 125, Underwood does not disclose that any component that may be used by the web site is ever generated on any computer other than server 105..."

In response to the Appellant's argument B, Examiner disagrees. Underwood discloses wherein a particular component, of the plurality of components, is dynamically generated at a different computer (125) with edit store/local store 6615, data store 6620 in fig. 66 than a computer storing the web site XML file (105) or web server 6630. Col.

38, line 50 to col. 40, line 3.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/LINH BLACK/

Examiner, Art Unit 2169

Conferees:

James Trujillo

/James Trujillo/

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